IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 25884 of 2006(F)

PETITIONER:

T. PADMANABHAN, AGED 57 YEARS,
S/O. KRISHNAN, THAYYIL, P.O.MANGALAM-676 561,
MALAPPURAM DISTRICT (HEAD CLERK), (RETD.)
O/O.THE SUPERINTENDING ENGINEER, HARBOUR
ENGINEERING NORTH CIRCLE, KOZHIKODE.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT OF
HARBOUR ENGINEERING, SECRETARIAT, TRIVANDRUM.

2. THE ACCOUNTANT GENERA (A & E) KERALA,
TRIVANDRUM.

3. THE SUB TREASURY OFFICER, TIRUR,
MALAPPURAM DISTRICT.

4. SMT.SOBHANA, D/O. AYYAPPAN,
AGED 44 YEARS, VENNAKKAL, KANDASSANKADAVU DESOM,
KARAMUKKU VILLAGE, THRISSUR TALUK.

5. SRI. HARIDAS, AGED 14 YEARS, (MINOR)
S/O. T. PADMANABHAN, REPRESENTED BY
GUARDIAN MOTHER SMT.SOBHANA. (4TH RESPONDENT).

BY ADV. SRI.DINESH MATHEW J.MURICKEN
GOVERNMENT PLEADERSMT.K.L.LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 25884 of 2006(F)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE APPLICATION FILED BEFORE THE FAMILY COURT, THRISSUR IN O.P.NO.1247/2004.

EXT.P2: COPY OF THE ORDER OF THE FAMILY COURT, THRISSUR.

EXT.P3: COPY OF THE ORDER OF THE 3RD RESPONDENT.

EXT.P4: COPY OF THE RELEVANT PAGES OF THE MEDICAL REPORT.

EXT.P5: COPY OF THE JUDGMENT IN W.P.(C).NO.21120/2005.

EXT.P6: COPY OF THE ORDER IN O.P.NO.15/2001, O.P.NO.1247/2004, O.P.1114/2005, MC. 195/2005 AND MC.168/2001.

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BKN // TRUE COPY//

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.25884 of 2006(F)

Dated this the 8th June, 2007.

JUDGMENT

The petitioner retired from the Harbour Engineering Department on 30-9-2004. He was prevented from receiving the Death-cum-Retirement Gratuity, by virtue of Ext.P2 order of the Family Court, Thrissur. Payment of the monthly pension was also discontinued pursuant to the said order. So, the petitioner approached this Court by filing W.P.(C)no.21120 of 2005. This Court, by Ext.P5 judgment, directed the petitioner to move the Family Court for appropriate relief. The Family Court finally disposed of the matter by Ext.P6 order. As per that order, the petitioner has been directed to pay Rs.1,000/- per month for the maintenance of his son, the 5th respondent herein, from the date of filing of the petition before the Family Court. In view of the above position, the petitioner submits that there is no justification in withholding his monthly pension or D.C.R.G. He claims that arrears of D.A. and amounts under Group Insurance and State life Insurance are also

remaining unpaid. Hence this writ petition, seeking the following reliefs:

> "(a) call for the records relating to Exhibit P-3 and quash the original of the same by the issue of a writ of certiorari or other appropriate writ or order.
>
> (b) issue a writ of mandamus or other appropriate writ order or direction commanding the 2nd and 3rd respondents to disburse the withheld pensionary benefits of the Petitioner forthwith.
>
> (c) pass such other order or direction which this Hon'ble Court may deem fit and proper to grant in the circumstances of the case."

In view of the disposal of the case before the Family Court, Thrissur, Ext.P2 and consequential communication, Ext.P3, no longer survive. Accordingly, respondents 1 to 3 are directed to release the various terminal benefits due to the petitioner, including the monthly pension. This direction is subject any orders passed by the Family Court. If there is any direction by

the said court to attach any amount, only the balance amount need be released.

This writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.